

REMARKS/ARGUMENTS

I. STATUS OF CLAIMS

Claims 1-11, 15-39, 43-67, 71-126 remain in this application.

II. CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action rejected Claims 1-5, 8-9, 15-33, 36-37, 43-61, 64-65, 71-90, 93-104, 107-118 and 121-126 under 35 U.S.C. § 103(a) as being unpatentable over Ismail, (U.S. Pat # 6,614,987), in view of Rosin, (U.S. Pat # 6,028,600), White (U.S. Patent # 5,596,373) and Marsh (U.S. Patent #6,208,799). The rejection is respectfully traversed.

Claim 1 appears as follows:

1. A process for scheduling recording, storing, and deleting of television and/or Web page program material on a storage medium in a computer environment, comprising the steps of:
  - generating a prioritized list of program viewing preferences; wherein said list contains a viewer's explicit preferred program selections for recording and inferred preferred program selections for recording;
  - comparing said list with a database of program guide objects;
  - generating a schedule of time versus available storage space that is optimal for the viewer's explicit or inferred preferred programs; wherein said preferred programs include television broadcast programs and/or Universal Resource Locators (URLs);
  - wherein said program guide objects indicate when programs of interest are broadcast;
  - generating an ordered list of future showings of a specific program of interest using said database of program guide objects; and
  - checking each showing of said specific program of interest in said ordered list for input source or storage space conflicts with programs previously scheduled for recording using said schedule of time versus available storage space until a particular showing of said specific program of interest is found having no input and/or space conflicts such that a recording of said specific program of interest is made as soon as possible

and scheduling said particular showing of said specific program of interest for recording.

Applicant notes that the Office Action has repeatedly misinterpreted the wording of the Claims. In particular, the features “generating an ordered list of future showings of a specific program of interest using said database of program guide objects and checking each showing of said specific program of interest in said ordered list for input source or storage space conflicts with programs previously scheduled for recording using said schedule of time versus available storage space until a particular showing of said specific program of interest is found having no input and/or space conflicts such that a recording of said specific program of interest is made as soon as possible and scheduling said particular showing of said specific program of interest for recording.” The Office Action repeatedly misinterprets the wording of these elements to mean that multiple programs of interest are checked for conflicts, which is incorrect. The elements as worded concern multiple broadcast times of a specific program of interest. For example, if a user wants to record a specific program of interest, namely, Episode 2, Season 3 of the show entitled “The Simpsons”. This **specific episode** may be broadcast on many channels at different times during the day, week, or month. The claimed invention creates an ordered list of these future showings using the database of program guide objects which indicates the channel and times when these future showings will occur. The claimed invention then checks **each future showing of the specific episode** in the ordered list for input source or storage space conflicts with programs previously scheduled for recording. It does this by checking the schedule of time versus available storage space until a particular showing of the specific episode is found having no input and/or space conflicts such that a recording of the specific episode is made as soon as possible. It then schedules the

particular showing of the specific episode for recording. This solves the problem of the user not being able to record his specific program of interest because of a conflict with an already scheduled recording. The user does not have to worry about this situation because the claimed invention automatically finds a showing of the specific program of interest that it can record.

The Office Action cites Marsh as disclosing such features however, Marsh teaches that a program that is desired to be recorded is checked for conflicts with **other** (different) programs that have already been scheduled for recording. Marsh further teaches that a scheduled recording's time may be updated with a new time when a new IPG is received that differs from the originally scheduled time. Marsh deals with updating scheduled programs' recording times **after** they have been scheduled for recording in Marsh's VCR-record-timer.

Marsh in col. 7, lines 34-47 states:

“When one or more VCR-record-timers 27 are empty of IPG data, function 38 operates to compare the day/time details of current request 35 to the day/time content of the set VCR-record-timers 27.

Decision function 39 now enables CPU 25 to determine if function 38 has found a day/time conflict. When the answer is "yes", again a user-alert 37 is sent to the user's TV screen, the details of this message being non-critical to the invention. The action that is possible by the user includes cancellation of one of the conflicting VCR recording requests.

When no conflict is found during the course of functions 38,39, function 40 operates to set the IPG data "2701, Roseanne, channel 5, Wednesday, 8 to 9 PM" into an empty one of the eight VCR-record-timers 27.”

As can be seen from Marsh, his invention compares the day/time details of current request 35 to the day/time content of the set VCR-record-timers 27. This demonstrates that Marsh compares a single showing of a program with other programs that have been scheduled to be recorded in the VCR-record-timers. If Marsh finds that no conflict exists

between the current request and any active day/time content in the eight VCR-record-timers, then Marsh sets the IPG data of the current request into one of the eight VCR-record-timers.

Marsh further demonstrates that his invention does not teach or disclose what is claimed in Claim 1 by describing that his invention updates any of the active VCR-record-timers when the new IPG data is different than the corresponding VCR recording request data stored within one of the active VCR-record-timers (col. 8, lines 22-40). The Office Action cites col. 8, lines 56-67, however, col. 8, lines 56-67 are a further explanation of Marsh's invention updating VCR recording request data stored within one of the active VCR-record-timers with new IPG data. It is clear that Marsh does not teach or disclose what the Office Action states.

The Office Action further points to col. 11, lines 1-45. However, as a continuation of what is described above, Marsh in col. 11, lines 1-45 teaches how his invention updates active VCR-record-timers that differ from correct IPG data. Col. 11, lines 1-45 state (emphasis added):

“One conflict that the present invention resolves is a conflict that exists between (1) a future-time and now-incorrect VCR recording request **that is stored within an active VCR-record-timer** 27 within a set-top 11, and (2) correct IPG-data 51 that is currently stored within the set-top 11. This particular conflict is resolved by (1) **automatically rescheduled the related VCR-record-timer 27 to the correct date/time/channel**, as this correct date/time/channel is defined within new IPG-data 51 that was transmitted by headend 12 for storage within the set-top 11 at a time after the time at which the related VCR-record-timer 27 was originally programmed by the user.

When it is determined that a VCR-record-timer 27 contains invalid or incorrect IPG data, but the set-top's stored IPG data does not contain an IPG data item that can be used to reprogram the related VCR-record-timer 27, then the set-top's stored IPG data is periodically monitored to determine if any new IPG data is later received from headend 12 that contains the correct IPG data that will enable automatic rescheduling of the VCR-record-timer 27. Note that in this case, the correct IPG data must become available prior to arrival of the incorrect date/time that is stored in the related VCR-record-timer 27. When the correct IPG data does

not become available as this date/time arrives, the related VCR-record-timer 27 is cleared or cancelled.

When it is determined that a VCR-record-timer 27 contains invalid or incorrect IPG data, and it is also determined that the set-top's stored IPG data does in fact contain an IPG data item that can be used to reprogram the related VCR-record-timer 27, then all active VCR-recorders 27 of the set-top are interrogated to determine if a time-slot conflict will result from reprogramming the related VCR-record-timer 27. When a conflict would not result, the related VCR-record-timer 27 is reprogrammed to provide the desired future-time recording event. When a conflict would result, a number of means may be utilized to resolve the conflict.

The present invention contemplates resolution of such a conflict that may occur when automatic correction of a VCR-record-timer 27 in accordance with this invention produces a time-slot conflict with an already programmed VCR-record-timer 27. Resolution of this type of conflict was described relative to FIGS. 3 and 6.”

The Office Action additionally points to col. 11, lines 1-12 as teaching “that the system checks future broadcasts, as well as current broadcasts of programs to be recorded for conflict...and if none is found, then it records the programs as expected...” However, as shown in the text of Marsh, above, Marsh does not teach what the Office Action posits. For Marsh, all VCR recording requests in his VCR-record-timers are future VCR recording requests. Marsh checks to see if the VCR-record-timers are correct as compared to correct IPG data and then corrects the VCR-record-timers as needed. Marsh does not teach or disclose “that the system checks future broadcasts, as well as current broadcasts of programs to be recorded for conflict...and if none is found, then it records the programs as expected...” Marsh does not teach checking for conflict in col. 11, lines 1-12, but instead teaches that VCR-record-timers are corrected if found to be incorrect when their data are compared to correct IPG data. It is unclear how the Office Action draws its conclusion when examining the text of Marsh.

As noted above, the Office Action has misinterpreted the Claim features as they have been worded.

“All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Therefore, Ismail in view of Rosin, White, and Marsh does not teach or disclose the invention as claimed.

Claims 1, 29, and 57 are in allowable condition. Claims 2-5, 8-9, 12, 14-28, and 30-33, 36-37, 40, 42-56, and 58-61, 64-65, 68, 70-84, are dependent upon independent Claims 1, 29, and 57, respectively. Claims 85, 99, and 113 have been amended in similar fashion as Claims 1, 29, and 57 and are allowable in similar manner as Claims 1, 29, and 57. Claims 90-91, 93-98, and 100-104, 107-112, and 114-118, 121-126 are dependent upon independent Claims 85, 99, and 113, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

### III. CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action rejected Claims 6-7, 10-11, 34-35, 38-39, 62-63, 66-67, 91-92, 105-106 & 119-120 under 35 U.S.C. § 103(a) as being unpatentable over Ismail, Rosin, White & Marsh, in view of Wood (U.S. PGPUB 2002/0054752 A1) The rejection is respectfully traversed.

The rejection under 35 USC §103(a) is deemed moot in view of Applicant’s comments regarding Claims 1, 29, 57, 85, 99, and 113, above. Claims 6-7, 10-11, 13, and 34-35, 38-39, 41, and 62-63, 66-67, 69 and 91-92, and 105-106 and 119-120 are dependent upon independent Claims 1, 29, 57, 85, 99, and 113, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 USC §103(a).

IV. MISCELLANEOUS

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

The Applicants believe that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate. Entry of the amendments herein and further examination on the merits are respectfully requested.

The Examiner is invited to telephone the undersigned at (408) 414-1080 ext. 214, to discuss any issue that may advance prosecution.

No fee is believed to be due specifically in connection with this Reply. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. § 1.136. The Commissioner is authorized to charge any fee that may be due in connection with this Reply to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

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/KirkDWong#43284/

Kirk D. Wong  
Reg. No. 43,284

2055 Gateway Place, Suite 550  
San Jose, California 95110-1089  
Telephone No.: (408) 414-1080 ext. 214  
Facsimile No.: (408) 414-1076